



11-CV-05068-CLM

JAMES DISTRICT COURT  
FILED RECEIVED  
JUL 29 2011  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMAMagistrate KAREN Stromberg  
Judge PresidingThomas Island Ford  
✓ PLAINCity of LAKEWOOD  
City of TACOMA  
County of PIERCE  
State of Washington  
Defendants

NO# C11-5068 BHS/KLS

Cause for AMERITIOUS CLAIM  
for Summon And Complaint  
Pursuant to 42 USC § 1983 And  
[42 USC 1983 § 1304] NOT  
ABSOLUTE IMMUNITY

To CLAIM Absolute IMMUNITY in this INTER-  
STATE CASE WAS "ERROR". A GENERAL INDIFFERENCE  
to a prisoner's Serious Medical Condition Needs is  
CRUEL Punishment. REVERSE V MASSACHUSETTS GEN-  
ERAL Hospital 463 US 239, 244 (1983) BELL V  
Wolfish 441 US 520, 535 N16 (1976) Block V  
Rutherford Ford 468 US 576, 584 (1981) Abuse UNNECESSARY  
the Language of the Eight Amendment, Due Process  
Coming under the fourteenth Amendment shall  
Be proved that Wanton Conduct, EXCESSIVE FORCE,  
EXCESSIVE Bail, CRUEL And UNUSUAL Punishment And  
is REPUGNANT to the conscience of Mankind,  
conduct that Shocks the conscience OR Affords  
Brutality the cloak of the Law, INCONSISTENT  
with the contemporary Standards of DECENCY.  
DANIELS V Williams 474 327, 334 N3 (1986)  
ROCHIN V CALIFORNIA 342 US 165, 172, 173 (1952)  
GREGG V GEORGIA 428 US 153, 173, (1976) EXPRESS  
(11)

INTENT TO WANTON INFLICTION OF UNNECESSARY PAIN. VIOLATIONS ARE WELL ESTABLISHED IN DELIBERATELY CAUSED PLAINTIFFS JAW BROKEN, TEETH BROKEN, TATED DENIED MEDICAL CARE, SNATCHED OUT OF CHAIR BY CHAIN RESTING ON L4-S5 SIATIC NERVE WHERE THE CONDITION OF NARROWING OF THE SPINE - CLASSED IS ABUSE OF DISCRETION ALONG WITH NEGLECT TO USE AS PROVIDER BY CONSTITUTION A PROFESSIONAL STANDARD OF CARE.

OFFICER REMBERT SMASHED PLAINTIFF'S FACE AGAINST A CEMENT WALL AFTER DRAGG PLAINTIFF BY CHAIN AROUND THE WAIST 1000 YARDS BACK FROM COURT. THE UNBEARABLE PAIN WAS TERCUCIATING AND THE WANTON INTENT WAS OBVIOUS, OVERT AND OBTRUSIVE.

STEVENS INJURED PLAINTIFF ON JAN 26 2010 WHILE ILLEGALLY ARRESTING THE VICTIM WITHOUT A BADGE, OR A WARRANT. HE HAD A TWO MILLION DOLLAR BAIL MOTION, AND A BOGUS PERSISTANT OFFENDER'S CREAM THAT UNFORTUNATELY DID NOT COME TRUE FOR HIM.

STEVENS PLACED A "THREE SLIKER" TAG ON VICTIM IN THE HALLWAYS OF JUSTICE RACIAL PROFILED AND DEPRIVED VICTIM OF A RIGHT TO SPEEDY TRIAL, RIGHT TO EFFECTIVE COUNSEL, AND IT IS CHURL AND UNUSUAL PUNISHMENT WHERE OFFICIALS EXHIBIT "DELIBERATE"

Indifference" to medical care. Misdiagnosed For victims 660 Blood Sugar Adverse Reaction to A LEAKING COCAINE / Lidocaine shot into the Blood System, The Pierce County Staff M. Scott had looked the other way and determined that A "THREE STRIKER" was, Not entitled to Standards of CARE BECAUSE the Life without Parole Sentence will hold victim where the proceeding is past over to the Prison System and the Pierce County would save time and money.

ESTELLE GAMBEL (Proscribing-for-life-and-Barbarous-Punishment) Body Sores over a year old Refused to heal under A Special Diet of Low calories that made weight loss of ten to twenty pounds a week, is cruel and unusual punishment.

Six' foot ten" Two hundred and eighty Pounds when Victim was Arrested and Now ONE Hundred and Seventy Six Pounds through starvation tactics that despite Hundreds of Kites and Begging, Pleading and Crying to DR. ORTIZ and Mary Scott who ARE Ignoring Neck disorder and two Sleep Study Appointments were cancelled strictly BECAUSE of the Bill A Study would RECRUTE.

DR. ORTIZ deliberately withheld medication from PLAINTIFF/Victim & CAUSED immediate unnecessary Pain and Suffering.

GRIEVANCE Forms And Kites on Record of the many complaints gone unnoticed by

The entire Medical Staff and the Judge Presiding Himself John McCarthy.

Sarg. Officer Shultz threatened to "Light your Ass up" with his TAZER while discriminating Against this Victim due to the many Grievances & Placed on Officer Thro And Papp for using the "THREE Striker" tag to mistreat and belittle, demean and terrorize the Plaintiff.

Assaulted By Jamir, Jacoby and Embrey who Al different days And times Jump on my BACK, Socking the Victim, Sucker Punched Victim And trying to take commissary from the Plaintiff.

The duty to protect Inmates from Injuries is sanctioned, including to protect from the Guards or Correction Officers Brutally As in Swatching Victim Out of His chair in the Court Room to give the people a display that is perceived as fair to Victim Case And charges.

Steven Gant SNAPPED my NECK WHERE the damage is worsening every day, HE did NOT HAVE Any Authority to take Victim Under ARREST. 42 USC § 1983 § 1304 HE CAN NOT CLAIM ABSOLUTE Immunity. Officials Must BE LIABLE for intentional MAN Handling AN Inmate CAUSING INJURIES. FERN - ELIUS V PIERCE 22 Cal 2d 226 138 P2d 12 (1943) FARMER V Rutherford 136 Kan 298, 15 P2d 474 (1932) Bowman V Hayward 1 Utah 2d 131, 262 P.2d 957 (1953) Right to BE FREE from Offensive bodily contact



That is Intentionally Inflicted upon Victim Just  
 Because Health Problems Reflect How Weak A 176 Pound  
 6' 10" SKELTON OF A MAN THE VICTIM IS AGAINST HIS  
 WILL. State Remedies § 11.11

Civil Disabilities Litigation of Prisoners. Americans  
 with Disabilities Act. Actions ARE NOT Absolute. Actual  
 Innocence in the matters before the Court of  
 Appeals, Supreme Court, District Court And the  
 DEBORAH Court finds PRISONER SEEKING HIS  
 RELIEF PURSUANT to RCW 2.64.110 - RCW 4.12.050  
 And US Constitution Art 4 § 31

Washington Code of Judicial Canons 2A-3A(1)  
3(A) 3(D) Racial Profiling And Preconceived Express  
 ions of Guilt Does Not Apply to Allegation  
 Procedures.

MALLY V Briggs 42 USCS 1983 § 1304 State V  
ROBERT B7 Wash 2d 829 S.Ct Concluded that  
185 Scl 506 Can Not Claim Absolute Immunity  
[VOL 1 Chapter 13] Actions And Sanctions for Mist  
 Conduct.

State V DOMINGUEZ 81 wa App 325, 914 P2d  
141 (1996) 12 CASES OF MISCONDUCT, Holding Hearings  
 without Accused presence, threats of life with-  
 out Parole, TALKED FOR TALK IN Violation of Canon 2A  
Art 1514 CRUEL And unusual Punishment. Poor

JAIL MEDICAL STANDARDS CAUSED DEPRIVATION OF  
 VICTIMS Right to LIFE, LIBERTY, And PROPERTY, Staggered  
 His Health to WHERE NOW THE RECREATION STREMS

IMPOSSIBLE. GRIEVANCES FROM WESTERN STATE HOSPITAL AND PIERCE COUNTY, TELL ALL POINT TO A CONSTITUTIONAL MAGNITUDE THAT THE SO CALL DEFICIENCIES.

CERTAINLY ON 7.24.72 ASSULT IN PIERCE COUNTY WILL BE SUBSTANTIALLY CURED OF DEFICIENCIES BY RECORDS OF THE RESPONDING OFFICERS NAMES WHO TOLD VICTIM TO LEAVE THE LOUNGE OR YOUR OTHER TAIL WILL BE BROKEN AS WELL.

PROSECUTOR FREDRICK FLEMING KNEW THAT DEAN STRAIN AND MICHAEL FURSTON HAD OUTSTANDING WARRANTS FOR ASSUALT AND WOULD NOT BE TESTIFYING AGAINST VICTIM/PLAINIFF. THIS MISCONDUCT OF WITHHOLDING EXCULPATORY EVIDENCE FAVORABLE TO THE DEFENSE IS REPUGNANT AND THE RESULT FROM OFFICER SEABURGER BEATING UP THE VICTIM IN FRONT OF DAVID JOHNSON ALLOING A LAWYER THAT TOLD PLAINIFF HE WAS READY TO SUE THE TAIL AND OFFICER. THIS WOULD HAVE SIGNED MY DEATH WARRANT FOR SURE.

UNITED STATES V PRICE 566 F3d 900 (9<sup>th</sup> CIR 2009) CONVICTION OVERTURNED BECAUSE PROSECUTOR FAILED TO TURN OVER EVIDENCE THAT COULD HAVE UNDERMINED THE CREDITABILITY OF THE STAR WITNESS. FAILURE TO DISCLOSE REQUIRES US TO VACATE HIS CONVICTION AND SENTENCE. UNITED STATES V CARRION-TORRES 536 F3d 1 (1<sup>st</sup> CIR 2008)

JUDGE FLEMING IS THAT PROSECUTOR OF WHOM 40 YRS AGO ENGAGED IN THREATS & PROSECUTORIAL MISCONDUCT IN-

Volving "Swim or Drown" comment about the statement by the Honorable Judge Hummell who told Lucille Floyd that the "TIKI" was no place for anyone to patronize, Your Lucky Thomas was not found face down in the ~~MENTMENT~~ Bay."

City of Lakewood, Their Police Officers and the Washington State Patrol have taken property illegally by search & seizure through a warrantless search and false arrest by Officer Darcy WSP. IN Jan 2008, the arrest documents through a DUES to own subpoena with all due respect, should take any deficiencies in the victims return of property claim.

Indigently delays the gathering of records, names, dates and times. Phone restriction for nine months have every resource in limbo. Don't fault the Plaintiff for the slow moving court clerks records because the federal Mail Box Rule will find Plaintiff in compliance with diligently responding to any and all court orders.

The Eighth and Fifth Amendment failure to protect **claim** make the Pierce County Jail staff under Chief KERR responsible and liable for three separate events of assault by Fumby, Talgas and TAMIR, All inmates who sought Plaintiff out because Health and weight made Perry out of

Plaintiff turn through the Kites stating that there were enemies in my tank unit.

Proved factually PLAUSIBLE, the Respondents ARE LIABLE FOR the misconduct Alleged (Cote v. Homer, Dist. CO. INC 599 F3d 856, 861 (Cir 2010) In the determination of the factual PLAUSIBILITY of a CLAIM, the Court must "Accept the Allegations contained in the complaint as true and draw ALL REASONABLE INFERENCES in favor of the then non-moving party. COONS v MINETA 410 F3d 1036 1039 (Cir 2005)

ACTIONS ARE NOT ABSOLUTE, Immunity does NOT Apply to the Arrestation Procedures. Repugnant to the principals of fundamental fairness.

Plaintiff Has Suffered in the Hand of the Above mentioned Municipalities, their Agents have ABUSED the LAWS of the US Constitution to Racially Profile Plaintiff to that of the German trial, INTURED the victimized took property in UNWARRANTED SEARCHES, with out Return of the Property.

WHILE IN custody UNABLE to REKIEVE the NECESSARY Information Judge Spontoon finds is Required in order to present a CLAIM. The Plaintiff does Pray that Such time is given to try and find this ISSUE of deficiencies And find that the Facts ARE REASONABLY COVERED By LAW and CIVIL Right to EQUAL protection Against, Any



Deprivations of Life, Liberty, and Property. The Plaintiff set out in Complaint the loss, the injuries the people responsible and just because a 58 year old man does not have equal access to the police reports the FBI, and helicopter film at this time is no reason to say the claim lacks merit.

Medical Records can be supported as well as any proof the Court sees fit. The Plaintiff suffers every day and is aggrieved thereby. To say there is not an arguable basis in law or fact is prematurely overzealousness.

Proven can be the unnecessary taking in a Tacoma (Oberlin) CCW on 07-29-07 where the sole reason for arrest is due to remarks made earlier that day in not knowing where suspect Trevor has gone. There fore they look it out on an innocent man in the middle of the street and tazed Plaintiff in the back with hands held high in the air.

On 11-11-07 Plaintiff teeth were broken when body slammed onto house from his hands. There were no reason for that other than wanton conduct to cause pain and injury intentionally by PERK county on Meticious Mischief Charge. Officer Names and Record can be

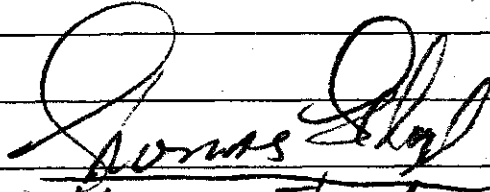
MADE AVAILABLE AS WELL.

Plaintiff's Dentist Has Record of the corrective measures to temporarily make Plaintiff more comfortable with his substantial disfigurement.

It is more than unfair to have Plaintiff to skive and present an entire step by step disclosure without benefit of the Court Clerk's assistance in securing material evidence that is in the exclusive control of the respondents and has favorable facts in proving that relief should be granted.

THE AFOREMENTIONED IS TRUE TO MY KNOWLEDGE!

Dated 7-25-11

  
Thomas Floyd  
In Propria Persona